

Sixty-seventh
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1303

Introduced by

Representatives Kiefert, Bellew, Christensen, Damschen, Magrum

Senators Clemens, Conley, Dever, Heitkamp

1 A BILL ~~for an Act to create and enact a new section to chapter 11-13 and subsection 13 of~~
2 ~~section 11-13-02 of the North Dakota Century Code, relating to duties of the county auditor; and~~
3 ~~to amend and reenact sections 11-11-35 and 11-11-37 of the North Dakota Century Code,~~
4 ~~relating to the publication of county records; and to provide a penalty.~~for an Act to provide for a
5 legislative management study of noncompliance with open records requirements by county
6 commissions and auditors, city councils and commissions, and school districts; and bypassing
7 voter approval requirements.

8 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

9 ~~— **SECTION 1. AMENDMENT.** Section 11-11-35 of the North Dakota Century Code is~~
10 ~~amended and reenacted as follows:~~
11 ~~— **11-11-35. Board to keep records of proceedings – Penalty.**~~
12 ~~— The board of county commissioners shall keep a book in which all orders, agreements, and~~
13 ~~decisions made by it shall be the board are recorded. Such The book shall must be known as "a~~
14 ~~record of the proceedings of the board of county commissioners". All orders, agreements, and~~
15 ~~vouchers for the allowance and payment of moneys from the county treasury shall must state on~~
16 ~~what account and to whom the allowance is made. The same shall order, agreement, or voucher~~
17 ~~must be dated and numbered with the number of the warrant issued in payment thereof.~~
18 ~~Approval of orders, agreements, and vouchers shall must be recorded in the record of the~~
19 ~~proceedings and this shall be, which is sufficient to indicate approval without requiring a majority~~
20 ~~of the board to sign or initial the orders, agreements, and vouchers. Orders, agreements, and~~
21 ~~vouchers for payment of moneys from the county treasury must be made available for~~
22 ~~inspection on the county's official website. A county commissioner who violates this section is~~
23 ~~guilty of a class B misdemeanor.~~

1 ~~— **SECTION 2. AMENDMENT.** Section 11-11-37 of the North Dakota Century Code is~~
2 ~~amended and reenacted as follows:~~

3 ~~— **11-11-37. Proceedings of board of county commissioners to be published in official**~~
4 ~~**newspaper – When published – Penalty.**~~

5 ~~— The board of county commissioners shall supply to the official newspaper of the county and~~
6 ~~publish to the official website of the county a full and complete report of its official proceedings~~
7 ~~at each regular and special meeting no later than seven days after the meeting at which the~~
8 ~~report is read and approved. The publisher of the official newspaper shall publish the report in~~
9 ~~the issue of the paper next succeeding the time of its reception and shall file with the county~~
10 ~~auditor an affidavit of publication executed in the proper form. A county commissioner who~~
11 ~~violates this section is guilty of a class B misdemeanor.~~

12 ~~— **SECTION 3.** Subsection 13 of section 11-13-02 of the North Dakota Century Code is~~
13 ~~created and enacted as follows:~~

14 ~~— **13.** Make the record of all expenditures of public funds available for inspection on the~~
15 ~~county's official website.~~

16 ~~— **SECTION 4.** A new section to chapter 11-13 of the North Dakota Century Code is created~~
17 ~~and enacted as follows:~~

18 ~~— **Failure to perform duty – Penalty.**~~

19 ~~— An auditor who fails to make the record of all expenditures of public funds available for~~
20 ~~inspection under subsection 13 of section 11-13-02 is guilty of a class B misdemeanor.~~

21 **SECTION 1. LEGISLATIVE MANAGEMENT STUDY - NONCOMPLIANCE WITH OPEN**
22 **RECORDS REQUIREMENTS AND BYPASSING VOTER APPROVAL REQUIREMENTS.**

23 During the 2021-22 interim, the legislative management shall consider studying noncompliance
24 with open records requirements by county commissions and auditors, city councils and
25 commissions, and school districts; the use of lease purchase agreements to bypass voters; and
26 county building authorities. In the course of the study, the legislative management shall use its
27 investigative authority under chapter 54-03.2. The legislative management shall report its
28 findings and recommendations, together with any legislation required to implement the
29 recommendations to the sixty-eighth legislative assembly.